

EASTERN VIRGINIA GROUNDWATER MANAGEMENT ADVISORY COMMITTEE

GROUND RULES – Approved by Consensus of Committee - August 18, 2015

**MISSION STATEMENT**

The Eastern Virginia Groundwater Management Advisory Committee (Committee) will develop a consensus strategy, including legislation for the implementation of the strategy, for the management of groundwater and other alternative sources in the Eastern Virginia Groundwater Management Area (EVGMA). The goal is to create a clear, consistent and understandable framework for the management of the water resource so that local and state regulators, those whose activities are regulated by the law, and consumers, both human and industrial, can guide their actions in accordance with a strategy to sustain the water resource. The intent is to manage the resource so that it is productive and available to meet the human, industrial and environmental needs of the EVGMA.

Every effort will be made to develop a consensus draft strategy and legislation by August 1, 2017, which will be reported to the State Water Commission and the Director of the Department of the Department of Environmental Quality as required by Code of Virginia Section 62.1-256.1.

**PARTICIPATION**

The Committee is comprised of members with the authority to recommend actions within their respective organizations. The membership is representative of industrial and municipal water users, public and private water providers, developers and the economic development community, agricultural, environmental and conservation organizations, state and federal agencies and university faculty. Individuals with experience with groundwater management issues have been selected to participate on the Committee and others will be drawn upon through a work group structure.

If a Committee member becomes unavailable or otherwise unable to serve, the Director of the Department of Environmental Quality (DEQ) shall determine whether that member should be replaced. If the decision is to seek a replacement, the Director shall appoint a replacement.

Committee meetings are subject to the requirements of the Virginia Freedom of Information Act, will be open to the public and public notice will be provided on the Virginia Regulatory Town Hall website of the date, time and location of Commission meetings. During Committee meetings, one chair will be left open at the negotiating table where a member of the public can sit temporarily to present information or comment on any given topic. Members of the public will be encouraged to communicate their concerns through a member of the Committee who represents their interests but the open chair is available if the member of the public feels it necessary to address the Committee directly to add information that has not been considered. Members of the Committee will not ask members of the public to sit at the table with them during discussions, in order to ensure that representation remains balanced in the Committee.

Work groups will be designated and populated by the Director to address specific issues and to make recommendations to the full Committee. All such meetings are subject to the requirements of

the Virginia Freedom of Information Act. Work groups are not authorized to make decisions for the Committee as a whole. Work group meetings will also be governed by these Ground Rules.

The Committee by consensus may invite experts to address the Group, as appropriate.

## **DECISION MAKING**

The Committee will make every effort to reach unanimity on all issues related to the proposed strategy, meaning that there is no dissent by any member. However, if the facilitator determines that additional discussions are not likely to lead to unanimous consent, the Committee will consider consensus to have been reached when there is no dissent by more than two members.

The Director of DEQ is a member of the Committee and will participate fully. Pursuant to the statute establishing the Committee, the Committee is to provide a report to the Director who then will issue his own report to various public persons and entities. The Director has every intention of utilizing a consensus report and draft legislation of the Committee in his report. By virtue of his statutory responsibilities as Director, he reserves the right to include additional and different elements in his report if time and circumstances dictate that he do so without consulting with the Committee.

Upon the request of a dissenter to the strategy, DEQ will include the dissenter's reasons for dissenting in any report provided pursuant to Section 62.1-256.1 of the Code of Virginia.

During the course of the facilitation, the facilitator may propose a test for consensus on any given issue or on the entire proposal utilizing a 4 level scale to determine gradients of agreement. The scale to be used is as follows:

1. I fully agree and support the proposal.
2. I can live with the decision. It is okay and I can support it.
3. I have reservations but will not oppose the proposal.
4. I think there are major problems with the proposal and am unable to live with it or support it.  
More work is needed
5. If consensus is not present, the Group's discussion continues to determine if the interests of those who could not support the proposal can be met.

Decision making authority rests with the Committee members. Other individuals who attend the Committee meetings will not have the right to dissent or vote.

## **AGREEMENT**

If the Committee develops a consensus strategy and draft legislation, the Committee members agree to support the strategy and legislation as it was presented to the Governor and other persons and entities set forth in Code of Virginia Section 62.1-256.1.

In the event that amendments are offered to such legislation during the executive branch review or the legislative process, Committee members agree to reconvene as quickly as possible to

review the proposed amendments and submit comments to DEQ and the patron of the legislation for consideration. Committee members may speak as individuals to any such amendments.

If a Committee member dissents from the final consensus strategy and legislation, such Committee member may express the dissent during any future consideration of the strategy and legislation.

#### **GROUP MEETINGS**

The facilitator will prepare an agenda for each meeting and distribute it to the Committee prior to each meeting along with any documents that may be proposed for discussion.

The facilitator with assistance from DEQ will draft meeting summaries to maintain a clear and reliable record of tentative and final agreements reached during the process. Such summaries will be provided to Committee members for their comments and corrections in the event of inaccuracies.

#### **OBLIGATIONS OF COMMITTEE MEMBERS**

Committee members will communicate their interests and concerns to each other and be accountable for points of disagreement. They will present proposals and counterproposals which will be designed to address points of disagreement. Members will not block consensus unless they have serious reservations with the approach or solution proposed for consensus.

Committee members will attend regularly scheduled Committee meetings and any meetings of smaller work groups for which they sign up. They will come to such meetings prepared for the subject matter of the meetings.

Members shall act in good faith and in a respectful manner in all aspects of these discussions whether during meetings or during communications with others, including the media outside of meetings. They shall also keep the long term interests of the Commonwealth in mind as they participate in the process. If an article appears in the media that misquotes or inaccurately represents an individual's position, that individual should inform the Committee members of it.

Members will maintain contact with constituencies throughout the process to obtain feedback on proposals and to provide information about tentative agreements reached.

Any member may withdraw from the process at any time by notifying the facilitator in writing.

#### **MEETING FACILITATION**

Facilitation services will be provided by the Virginia Center for Consensus Building located at Virginia Commonwealth University. The facilitator will support the deliberative process and help to ensure that the process runs smoothly by helping the members resolve their differences and achieve consensus. The facilitator will render such services in a neutral manner.